IN RE: PETITION FOR SPECIAL EXCEPTION S/S Joppa Road, 179' W of the * ZONING COMMISSIONER c/l of Belair Road (4)42 E. Joppa Road) * OF BALTIMORE COUNTY 11th Election District 6th Councilmanic District * Case No. 89-447-X William J. Peterson, et ux

> Petitioners * * * * * * * * * * *

AMENDED ORDER

WHEREAS, the Petitioners requested a special exception for a service garage on the subject property in accordance with the plan submitted and identified as Petitioner's Exhibit 1;

WHEREAS, by Order dated May 31, 1989, the relief requested was granted subject to restrictions;

WHEREAS, by letter dated October 2, 1989, Petitioners' Counsel advised this office of discrepancies in the Order relative to the location of the property, its size, and the name of one of the proposed Tenants;

WHEREAS, the affected Tenant, through Petitioner's Counsel, has requested that the Order be amended to correct same to avoid any complications during the permit application process;

WHEREAS, the Zoning Commissioner has determined that an Amended 5 Order is appropriate in this instance and that such amendment does not substantively change the relief requested;

IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of October, 1989 that the Order issued May 31, 1989 be and the same is hereby AMENDED to correct all references to the subject property and one of the proposed Tenants as follows.

Said property is known as 4142 East Joppa Road, consists of .64 acres zoned B.L., and shall be leased to two individual Tenants, namely Midas Muffler and Precision Tune; and,

of its location within the zone. Schultz v. Pritts, 432 A.2d 1319

safety, or general welfare of the locality, nor tend to create congestion

in roads, streets, or alleys therein, nor be inconsistent with the purpos-

es of the property's zoning classification, nor in any other way be incon-

appears that the special exception should be granted with certain restric-

lic hearing on this Petition held, and for the reasons given above, the

relief requested in the special exception, as modified above, should be

County this 3/00 day of May, 1989 that a special exception for a service

garage on the subject property, be and is hereby GRANTED, subject, howev-

er, to the following restrictions which are conditions precedent to the

1) The Petitioner may apply for his building permit

and be granted same upon receipt of this Order; howev-

er, Petitioner is hereby made aware that proceeding at

this time is at his own risk until such time as the

30-day appellate process from this Order has expired.

If, fr whatever reason, this Order is reversed, the

Petitioner would be required to return, and be respon-

sible for returning, said property to its original

2) Prior to the issuance of any building permits, Petitioners shall submit to the Zoning Commissioner for approval a new site plan incorporating the modifications set forth herein for the proposed service

garage uses, including moving the proposed buildings

10 feet further from the rear property line, and land-

sistent with the spirit and intent of the B.C.Z.R.

tions as more fully described below.

condition.

granted.

The use as modified herein will not be detrimental to the health,

After reviewing all of the testimony and evidence presented, it

Pursuant to the advertisement, posting of the property, and pub-

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore

IT IS FURTHER ORDERED that all other conditions and restrictions contained in the Order issued May 31, 1989 shall remain in full force and

> ?oning Commissioner for Baltimore County

cc: E. Harrison Stone, Esquire Royston, Mueller, McLean & Reid 102 W. Pennsylvania Avenue, Suite 600, Towson, Md. 21204 People's Counsel

5/S Jorpa Road, 179' W of the c/l of Relair Road (4142 E. Juipa Road) 11th Election District 6th Councilmanic District William J. Peterson, et ux Petitioners

PETITION FOR SPECIAL EXCEPTION . DEPORE THE . ZUNING COMMISSIONER . OF BALTIMORE COUNTY * Casu No. 89-147-X

FINDINGS OF FACT AND CONCLUSIONS OF LAW

.

The Petitioners herein request a special exception for a service garage on the subject property, in accordance with Petitioner's Exhibit 1.

The Petitioners, by E. Harrison Stone, Esquire, appeared and testified. Also appearing on behalf of the Petition were Thomas M. Mueller for the Contract Lessees, and James S. Kline with George W. Stephens, Jr. & Associates, Inc. Appearing as Protestants in the matter were Bertha H. Ginn and Clinton E. Marshall, adjoining residential proper-

Testimony indicated that the subject property, known as 4141 East Joppa Road, consists of 1.92 acres zoned B.L., and is improved with an existing brick building and a separate garage which have been used over the years as service garages. Testimony indicated the Petitioners propose subdividing the subject property to provide two separate lots and raising the existing improvements. Petitioners further propose constructing two new service garage buildings for individual use by Midas Muffler and All Tune and Lube. Testimony presented indicated the uses proposed at this location meet the requirements of Section 502 of the Baltimore County Zoning Regulations (B.C.Z.R.).

Testimony presented by the Protestants indicated they live to the rear of the subject property and the proposed improvements call for a concrete block wall which will be used to reparate the commercial use from the residential uses. The Protestants further argued there is shafequate screening between the subject property and their property. Both Protestants argued that traffic is bad at this location and the proposed use would add to the traffic congestion as well as noise.

It is clear that the B.C.Z.R. permits the use proposed in a B.L. zone by special exception. It is equally clear that the proposed use, as hereinafter modified, would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. In the opinion of the Zoning Commissioner, the automotive uses proposed for the subject property will be detrimental to the general welfare of the surrounding residential properties and should be modified. The proposed buildings should be moved 10 feet further from the rear property line than as set forth in Petitioner's Exhibit 1, and landscaping provided within that 10-foot strip of land to buffer the proposed uses from the residential properties to the rear of this site. The Zoning Commissioner believes that if the Petitioners reduce the size of the buildings proposed, they can accommodate the needs of both their residential neighbors as well as the requirements of this office. The facts and circumstances do not show that the proposed use, if modified, at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective

scaping within that 10-foot strip of land between the rear property line and the new buildings. The proposed six-bay building shall be reduced to five bays and the appropriate square footage adjustments made on the plan. Further, there shall be no windows or doors along the rear walls of either building.

- 2-

3) A landscaping plan shall be developed and submitted for approval to the Baltimore County Landscape Planner. A copy of the approved plan shall be submitted to the Zoning Commissioner's Office for inclusion in the case file.

4) When applying for a building permit, the site plan and lanscaping plan filed must reference this case and set forth and address the restrictions of this Order.

5) All signage for the subject site shall comply with the requirements of Section 413 of the B.C. 2.R. Further, the Petitioners and/or any future property owners/tenants shall share one sign at one location on the subject property and not two separate signs at two separate locations as shown on Petitioner's Exhibit 1. There shall not be a separate sign for each service garage use.

6) Petitioners shall comply with the Department of Environmental Protection and Resource Management, Bureau of Water Quality comments dated March 9, 1989, submitted and attached hereto.

7) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

8) Only 50% of the parking spaces provided at both service garages shall be used by employees. In the event Petitioners are required to provide offsite parking for their employees in order to comply with this restriction and the requirements of the Zoning regulations, a copy of said lease agreement shall be submitted to the Zoning Commissioner's Office for inclusion in the case file.

9) All damaged, disabled vehicles and parts must be stored inside buildings.

J. Robert Haines Zoning Commissioner for Baltimore County

JRH:bjs

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines

May 31, 1989

E. Harrison Stone, Esquire 102 W. Pennsylvania Avenue Towson, Maryland 21204

RE: PETITION FOR SPECIAL EXCEPTION S/S Joppa Road, 179' W of the c/l of Belair Road (4142 East Joppa Road) 11th Election District - 6th Councilmanic District William J. Peterson, et ux - Petitioners Case No. 89-447-X

Dear Mr. Stone:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Exception has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

> Very truly yours, J. ROBERT HAINES Zoning Commissioner for Baltimore County

cc: Ms. Bertha H. Ginn 4137 Brookfield Road, Baltimore, Md. 21236

Mr. Clinton E. Marshall 4135 Brookfield Road, Baltimore, Md. 21236 People's Counsel

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for service garage

PETITION FOR SPECIAL INCEPTION

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

> under the penalties of perjury, that I we are the legal owner(s) of the property which is the subject of this Petition. Legal Owner(s): (Type or Print Name) William J. Peterson

I/We do solemniv declare and affirm.

353

(Type of Print Name) Catherine A. Peterson Catherine Teleson City and State

Altornay for Petitioner: E. Harrison Stone 617 Debaugh Avenue 301-823-1690 Towson, Marvland 21204 City and State 102 W. Pennsvlvania Avenue Name, address and phone number of legal owner, contract purchaser or representative to be contacted. J Towson, Maryland 21204 same as above

Attorney's Telephone No.: 301-823-1800 ORDERED By The Zoning Commissioner of Baltimore County, this

required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 13th day of 11/ay, 1989, at 9 o'clock

Zoning Commissioner of Baltimore County

Z.C.O.—Ne. 1

Contract Purchaser:

City and State

(Type or Print Name)

- 3-

- 4-

Dennis F. Rasmussen

FROM THE OFFICE OF GEORGE WILLIAM STEPHENS, JR., & ASSOCIATES, INC.

P.O. BOX 6828, TOWSON, MARYLAND 21204

Description to Accompany A Zoning Petition for a Special Exception.

February 17, 1989

RE: Peterson Property (Service Garage)

Beginning at a point located South 81° 00' 00" West 179 feets of the point of intersection of the centerline of Bel Air Road with a projection of the centerline of Joppa Road thence in a counterclockwise direction:

1 - North 35° 40° 00" East 213.12 feet:

2 - North 87° 57' 20" West 199.75 feet±

3 - South 05° 39' 20" West 196.22 feets and

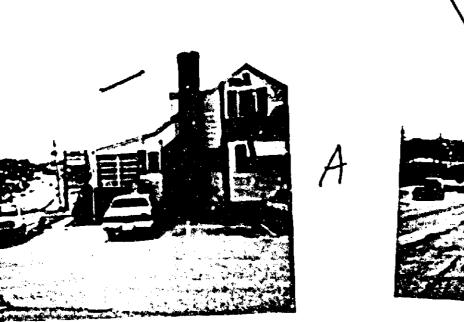
4 - North 81° 00' 00" East 95.87 feet to the place of beginning.

Containing 0.64 acres of land more or less.

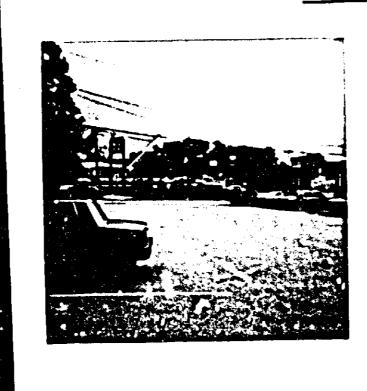


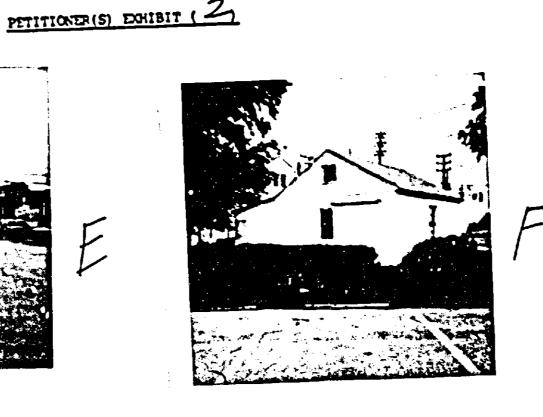
(THIS DESCRIPTION IF FOR ZONING PURPOSES ONLY)

PETITIONER(S) EXHIBIT (4)











PLEASE PRINT CLEARLY

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Location of property: N/S Joney Pd 179' W/D/W Pd

Location or property.

Location of Signer Facing Toppa Rd. Approx 15 12 200 day

En fregerly of lelilion

Posted by JHELEY Date of return: 4/15/59

Posted for: Spacial Exception

Petitioner: Wilhim J. Palensant 45

E. HARRISON STONE ES Thomas M. Mueller JAMES - KUINE G.W.S. AMEGINERY AVE

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGENET

3/9/89

Zoning Commissioner Office of Planning and Zoning County Office Building Towson, Maryland 21204 Property Owner: William J. Peterson et ax

Location: 4142 East Joppa Rd.

District:

Water Supply: COMMENTS ARE AS FOLLOWS:

Sewage Disposal: <u>Metro</u> () Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Bureau of Regional Community Services, for final review and approval.

() Prior to new installation(s) of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 887-3775, to obtain requirements for such installation(s) before work begins. () A permit to construct from the Bureau of Quality Management is required for such items as spray paint processes, underground gasoline storage tank(s) (5,000 gallons or more) and any other equipment or

process which exhausts into the atmosphere. () A permit to construct from the Bureau of Air Quality Management is required for any charbroiler generation which has a total cooking surface area of five (5) square feet or more.

() Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for

Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appurtenances pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Environmental Protection and Resource Management for review and approval. For more complete information, contact the Water Quality Monitoring Section, Bureau of Regional Community Services, 687-6500 x 315. () Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations.

For more complete information, contact the Division of Maternal and Child Health. If lubrication work and oil changes are performed at this location, the method providing for the elimination

of waste oil must be in accordance with the State Department of the Environment. Prior to razing of existing structure(s), petitioner must contact the Division of Waste Management at 387-3745, regarding removal and/or disposal of potentially hazardous materials and solid wastes. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestoes, 887-3775.

(V) Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and tank removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Waste Management at 887-3745.

() Soil percolation tests, have been ____, must be ____, conducted. () The results are valid until

and approval of Building Permit Applications.

() Soil percolation test results have expired. Petitioner should contact the Division of Water and Sewer to determine whether additional tests are required.

() Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.

() In accordance with Section 13-117 of the Baltimore County Code, the water well yield test () shall be valid until () is not acceptable and must be retested. This must be accomplished prior to conveyance of property

) Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples. () If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental

Effects Report must be submitted. For more information contact the Division of Environmental Management at 887-3980. () In order to subdivide this property, the owner or developer will be required to comply with the subdivision

regulations of the State of Maryland and Baltimore County. If there are any questions regarding the subdivision process, please contact the Land Development Section at 887-2762.

(V) Others Drainage from interior service bays is to be directed to sanitary sever via oil separator. REAU OF WATER QUALITY AND RESOURCE

J. Robert Haines

(301) 887-3353

Baltimore County

Zoning Commissioner
Office of Planning & Zoning

Towson, Maryland 21204

Mr. & Mrs. William J. Peterson 617 Debaugh Avenue Towson, Maryland 21204

Petition for Special Exception CASE NUMBER: 89-447-X SS Joppa Road, 179' W c/l Belair Road 4142 E. Joppa Road

Petitioner(s): William J. Peterson, et HEARING SCHEDULED: FRIDAY, MAY 12, 1989 at 9:00 a.m.

Dear Petitioner(s):

Please be advised that $\frac{5737}{100}$ is due for advertising and posting of the above referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office unit1 the day of the hearing itself. THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE

Date: 1-19-89

Dennis F. Rasmussen

ORDER SHALL NOT BE ISSUED. Please make your check payable to Baltimore County, Maryland and bring it along with the sign and

post set(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before your hearing is scheduled to begin.

Please note that should you fail to return the sign & post set(s), there will be an additional \$25.00 added to the above fee for each such set not returned.

AND THE STATE OF THE BOOK WAS THE OWN OF THE PARTY OF THE STATE OF THE BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION WISCELLANEOUS CASH RECEIPT K-01-615-000

> B BE21******3257:a -12:F VALIDATION OR SIGNATURE OF CASHIER

the cancellation number for verification. If you cancel an ad, please keep a record of this number. ERRORS: Patuxent Publishing Co. cannot be responsible for more than one incorrect insertion. Check your ad carefully and notify us immediately if an error occurs. Notice must be given within one week of the first insertion. Patuxent Publishing Co. shall not be liable for failure to publish an ad or for typc graphical error or errors in publication except to the extent of the cost of the ad for the first weeks insertion. No adjustment will be given, unless, in the opinic of the newspaper, the error materially affects the value of the advertisement. THE NEWSPAPER WILL NOT BE RESPONSIBLE FOR MORE THAN THE COST OF THE AD ITSELF. revise any advertisement for any reason.

Contract Purchau Klein-Stoeburg Enterprises, Int Hearing Date: Frt May 12, 1969 at

Variance: to perf

RES BOOSTER Page

COPY: Patuxent Publishing Co. reserves the right to refuse or To place your Classified ad call: (301)337-2410 For Classified Display rates call: 337-2400

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, to-second South 51° 48° 10" West 196.75 feet line, and along the southwest boundary of Lota 26, 25 and 24 as laid out on the piat of Hazelwood Farms, 4) North 51° 48° 10" East 193.16 feet to the point of beginning containing 0.1343 Acres more or less.

The adjacent property owners involved are as follows:

Bruce Klefner Sa26 Farm View Road Baltimore, MD 21206

Louise Meyers Peggy Meyers

Peggy Meyers

Peggy Meyers

Fixed County County Hold to April 18, 1989 at 7:00 p.m. at the Herring Run Middle School Auditorium located at 7:00 p.m. at the Herring Run Middle School Auditorium located at 5001 Sincair Lane Baltimore, MD 21206

In gill be held on April 18, 1989 at 7:00 p.m. at the Herring Run Middle School Auditorium located at 5001 Sincair Lane Baltimore, Maryland 21213.

A copy of the complete permit resouthwest boundary of Lots 23, 22 and 21 as laid out on the piat of the Baltimore County. A colv of the complete renewal form is evaluable for mspection at the Hazelwood Farms.

2) South 51° 48° 10" West 196.75 feet to a point on the follow-and the northwest side of said Overdale Ave. and the northwest corner of Lot 23, thence running and binding with the southwest boundary of Lots 23, 22 and 21 as laid out on the piat of Hazelwood Farms.

2) South 51° 48° 10" West 196.75 feet to a point on the point on the point of the southwest side of said Overdale Ave. and the northwest side of said Overdale Ave. and NOTICE OF HEARING The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows: The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a of Baltimore Courty was public hearing on the property identified herein in Room 106 of the County Office Building, lo-cated at 111 W. Chesapeake Av-enue in Towson, Maryland 21204

Sarage in the event that this Petrion is

Ernest and Mildred Sciascia 5937 Day Break Terrace Baltimore, MD 21206 IN THE MATTER OF THE CLOSING OF Collingwood Holding Corp. Suite 810 Nancy W. Ackermen 5809 Overdale Avenue Beltimore, MD 21206 TAKE NOTICE: A hearing will be held on the 4th day of May, 1989 et 11:00 a.m. in the Office of the County Attorney. Room 202, Courthouse, Towson, Mary-land, for the purpose of receiving objections, if any, to the closing.

Louise Meyers
Peggy Meyers
Evelyn Clemens
5904 Farm View Road
Beltimors, MD 21206

The Zoning Commissioner of

5118 OVERDALE AVENUE 14TH ELECTION DISTRICT BEFORE THE COUNTY EXECUTIVE F BALTIMORE COUNTY NOTICE OF ROAD CLOSING TO WHOM IT MAY CONCERN:
Pursuant to Title 30, Section
30-10 of the Baltimore County
Code 1970 Edition, Joseph
Fabiszak intends to close a por-

Alay, 30-10 of the Baltimore County Code 1970 Edition, Joseph Fabiszak intends to close a portion of Overdale Road, in the 14th Election District of Baltimore County, Maryland.

DESCRIPTION OF

Pursuant to Title 30, Sention granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown.

Call

N. E. Times **

BOOSTET/REPORTET

CLICETIAGS CERTIFICATE OF PUBLICATION

N/4/023 Apr. 6, 13.

Classified Advertising Works! 997-4800

The public informational meeting will be held on April 18, 1989 at 7:00 p.m. at the Herring Run Middle School Auditorium located at 5001 Surchair Lane Bullians

MINI STORAGE

stored property MUS notify FULLERTON MIN

mediate removal. Any or

all bids may be rejected.

403-H/Apr. 6

James C. McLhinney

Overdale Avenue 30 feet distant above named owners who and parallel from the aforesaid have a prior lien or vested

cated at 111 W. Chesapeake Av-enue in Towson, Maryland 21204 stored property MUST

Petition for Special Exception | STORAGE prior to the

Case number: 89-447-X date of the auction. SS Joppa Road, 179' W c/l TERMS: CASH and im-

TOWSON, MD., 4 13 , 1989 THIS IS TO CERTIFY, that the annexed advertisement was

as follows:

Belair Road 4142 E. Joppa Road

Petitioner(s): William J. Peterson, et ux

Hearing Date: Friday, May 12, 1989 at 9:00 a.ni.

Special Exception: Service

Garage In the event that this Petition is

published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Paltimore County, Md., once in each of ____ successive

> NORTHEAST TIMES THE JEFFERSONIAN,

5. Zete Orlan

this is correct version

PROTESTANT(S) SIGN-IN SHEET PLEASE PRINT CLEARLY

J. ROBERT HAINES

CERTIFICATE OF PUBLICATION

NOTICE OF HEARING The Zoning Commissioner of Baltimore County, by suthority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the properly identified herein in Room 106 of the County Office Building, to-cated at 111 W. Chesapeake Av-enue in Towson, Maryland 21204 TOWSON, MD., THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of _____ successive Case number: 89-447-X SS Joppa Road, 179' W c Belair Hoad 4142 E. Joppa Road weeks, the first publication appearing on ______, 19 ____. Petrioner(5): William J. Peterson, et ux Special Exception: Service Garage
In the event that this Petition is In the event that this Person is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Com-missioner will, however, entertain any request for a stay of the is-suence of said permit during this send for good cause shown. Such request must be in writing and received in this office by the

3 M77114 = 12 37-447-4

Baltimore County Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21204 494-3353

J. Robert Haines

NOTICE OF HEARING

March 23, 1989

Dennis F. Rasmussen County Executive

Dennis F. Rasmussen

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Special Exception CASE NUMBER: 89-447-X SS Joppa Road, 179 W c/l Belair Road 4142 E. Joppa Road Petitioner(s): William J. Peterson, et ux HEARING SCHEDULED: FRIDAY, MAY 12, 1989 at 9:00 a.m.

Special Exception: Service Garage

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES Zoning Commissioner of Baltimore County

cc: Mr. & Mrs. Peterson E. Harrison Stone, Esq.

Baltimore County Department of Public Works Bureau of Traffic Engineering Courts Building, Suite 405 Towson, Maryland 21204 (301) 887-3554

April 21, 1989



Mr. J. Robert Haines Zoning Commissioner County Office Building . Towson, MD 21204

Dear Mr. Haines

The Bureau of Traffic Engineering has no comments for items number 279, 353, 354, 365, 366, and 373.

Very truly yours,

Michael S. Flanigan Traffic Engineer Assoc. II

MSF/lab

APR 28 1989

ZONING OFFICE

DATE: May 11, 1989

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

May 1, 1989

COUNTY OFFICE BLDG. 111 W. Checapeate Ave. Towson, Maryland 21280

Zoning Administration

Industrial

Development

Burrau of

E. Harrison Stone, Esquire 102 W. Pennsylvania Avenue Towson, MD 21204

> RE: Item No. 353, Case No. 89-447-X Petitioner: William J. Peterson, et ux Petition for Special Exception

Engineering Dear Mr. Stone: Department of

Traffic Engineering The Zoning Plans Advisory Committee has reviewed the plans State Roads Commission submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of Bureau of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development Health Department plans that may have a bearing on this case. Director of Project Planning Planning may file a written report with the Zoning Commissioner Building Department with recommendations as to the suitability of the requested Board of Education zoning.

> Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

> IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVEANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

> > Very truly yours,

James & Oyer/ju JAMES E. DYER Chairman

Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. & Mrs. William J. Peterson

Baltimore County Fire Department Towson, Maryland 21204-2586 494-4500 Paul H. Reincke

J. Robert Haines, Zoning Commissioner Office of Planning & Zoning Baltimore County Office Building Towson, Maryland 21204

Re: Property Owner: William J. Peterson

Location: 4142 East Joppa Road

Zoning Agenda: 03/14/89 Item No.: 353

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

() 1. Fire hydrants for the referenced property are required and shall be located at intervals or ____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle dead end condition shown at EXCEFDS the maximum allowed by the Fire Department.

() 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

(X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.

() 6. Site plans are approved, as drawn.

() 7. The Fire Prevention Bureau has no comments at this time.

BALTIMOKE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines Zoning Commissioner

FROM: Pat Keller, Deputy Trector

Office of Planning and Zoning SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS

Case No. 89-447-X 1tem No. 353

Re: William J. Peterson, et ux

The Petitioners request a special exception for a service garage. In reference to this request. staff offers the following comments:

The approved zoning plan should conform to the approved CRG plan and the final landscape plan. Because of the proximity of the site and entrance to the Belair Road intersection, this office would like to see an area reserved on the

A CRG meeting or waiver would be required for the proposed project.

west side of the site for a possible future alignment of an entrance to tie in with the shopping center and eventual elimination of the entrance as shown. Signage, not detailed here, should conform to Section 413. Baltimore county Zoning Regulations. This office will not support a sign

variance and prefers that only one free standing sign be used, not the two as shown.

A landscape plan must be approved prior to the issuance of any building permits.

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ROYSTON, MUELLER, McLEAN & REID

ATTORNEYS AT LAW SUITE 600 102 WEST PENNSYLVANIA AVENUE TOWSON, MARYLAND 21204-4575 THOMAS F. McDONOUGH (301) 823-1800 TELECOPIER FAX (301) 828-7859

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

___ day of _____, 1989.

Petitioner William J. Peterson, et ux

Attorney E. Harrison Stone

R. TAYLOR McLEAN RICHARD A. REID

KEITH R. TRUFFER ROBERT S. HANDZO EDWARD J. GILLISS

JOHN W. BROWNING STEPHEN I. KARINA

C. LARRY HOFMEISTER. JR.

e. Harrison stole

C.S. KLINGELHOFER III

County Off 9 Building 111 W. Chesapeake Avenue Towson, Maryland 21204

Your petition has been received and accepted for filing this

OCT 3 1939

ZONING OFFICE

OF COUNSEL

CARROLL W. ROYSTON

H. ANTHONY MUELLER

JOHN L. ASKEW

EUGENE W. CUNNINGHAM, IR.

October 2, 1989

Received by: James E. Dyer Chairman, Zoning Plans

Advisory Committee

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, MD 21204

Attn: J. Robert Haines, Zoning Commissioner

Re: S/S Joppa Road, 179' W of the c/l of Belair Road (4142 East Joppa Road) 11th Election District - 6th Councilmanic District William J. Peterson, et ux - Petitioners Case No. 89-447-x

Dear Commissioner Haines:

When you issued your favorable Opinion in the above matter on May 31, 1989, it contained three errors which we thought were insignificant. Very simply, they were a reference to the property as *4141 East Joppa Road*, when the number should have been 4142; the property, itself, was shown as consisting of *1.92* acres, when the plat and testimony in the proceedings indicated it was .64 acres; and finally, one of the proposed tenants was referred to as "Tune and Lube" when it should have been "Precision Tune."

When I originally discussed this matter with the Zoning Office, I was advised there would be no problems in connection with the issuance of permits, etc. A proposed tenant, now, has requested that I obtain some written clarification from you that these errors have been noted in the file and that nothing further needs to be done.

ROYSTON, MUELLER, McLEAN & REID

October 2, 1989 J. Robert Haines, Zoning Commissioner for Baltimore County

Thank you for your assistance in this matter. A copy of your original Opinion is enclosed for your ready reference.

sincerely yours,

EHS:kag Enclosure

> cc: Mr. William J. Peterson Mr. Thomas Mueller

